

**South Dakota Department of Education
Response to Monitoring Report
July 2004**

Scope of Review: The Student Achievement and School Accountability Programs (SASA) team monitored the South Dakota Department of Education (SDDOE) the week of March 22-25, 2004. This was a comprehensive review of the SDDOE's administration of Title I, Parts A and B of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the No Child Left Behind Act (NCLB).

South Dakota Response: The South Dakota Department of Education submits the following responses to the recommendations and findings of the federal monitoring review.

**Title I Part A
Area: Accountability**

1.5 – The SEA has published an annual report card and ensured that LEAs have published annual report cards as required.

Recommendation: The SASA team recommends that district level report cards be submitted to SDDOE for review prior to dissemination. Currently, required report card components are published by SDDOE and then disseminated to all districts. The district report card information includes the number and names of schools identified as in need of improvement. Districts then disseminate a district report card using the format provided from the State; however, districts can modify these reports. The SDDOE indicated that it does not currently review district report cards prior to their dissemination to parents.

Response:

SD DOE will provide oversight regarding the district's responsibilities for publishing an annual report card through mechanisms already in place. 1. All districts must submit an LEA Consolidated Application each summer. Question #5 of the General Narrative section of this application asks districts to describe how it will prepare and disseminate its district and school report cards. Application reviewers are closely monitoring responses to this question to ensure that the district understands its responsibilities. 2. SD DOE staff conduct on-site reviews of each district's NCLB Title programs once in a 5 year cycle. District and school report cards are required documentation for the visit. Districts found out of compliance will be notified and corrective action required.

Timeline

Summer – Fall 2004	LEA Consolidated Application
Oct – April yearly	NCLB On-site Reviews

Area: Instructional Support

2.2 – The SEA provides, or provides for, technical assistance for LEAs and schools as required.

Recommendation – Due to the critical relationship of curriculum alignment to improved student achievement in meeting the standards, the SEA should begin to provide technical assistance and professional development on the State’s content standards in at least the core content areas. When the curriculum is aligned to the State’s standards, teachers are able to provide instruction that targets specific knowledge and skills required to meet the State’s standards.

Response

Response: Revision of the state content standards in the areas of Reading/Language Arts and Mathematics were approved during the 2003-2004 school year. DOE has monthly professional development planned on each content area for the 2004-2005 school year. This training will be held regionally across the state and will be aligned to the standards by having training specific to grades K-2, 3-5, 6-8, and 9-12.

Timeline.

2004-05 school year

2.3 – The SEA establishes a Committee of Practitioners and involves the committee in decision making as required.

Recommendation – SDDOE should include a parent representative on the Committee of Practitioners who is not an employee of the system or a board member. Due to the size of the State and the distances required of members to travel to attend meetings, the SDDOE should also consider involving members via email, conference call, surveys by mail, etc., when input is needed. Such alternate arrangements will minimize time away from work and travel expenses.

Response:

The State Title I Director has made an initial contact with a district to recruit a parent to participate as a member of the Committee of Practitioners (COP). Follow-up will be made with the district to secure a parent for the COP by the beginning of the 2004-05 school year.

Timeline

Fall 2004

2.5 – The SEA ensures that schools and LEAs are identified for improvement, corrective action, or restructuring as required and that subsequent, required steps are taken.

Recommendation – All schools, particularly those identified as in need of improvement, should immediately receive training in curriculum alignment in at least the core content areas. For rationale, see Recommendation under Indicator 2.2.

Response:

Approximately 45 LEA staff, SEA staff, and educational cooperative staff were training in curriculum mapping the spring of 2004. Additional training will be available to LEAs, cooperative staff, and ESA (Education Service Agency) staff the fall of 2004. All districts will have access to the assistance of ESA staff for curriculum mapping efforts. In addition, in the Spring of 2004 fifty plus (50+) grants were awarded competitively to provide stipends and costs for training for the 2004-2005 school year. This grant opportunity was open to all public schools and will be repeated in the spring of 2005.

Timeline:

2004 and 2005

2.6 – The SEA ensures that requirements for public school choice are met.

Recommendation – South Dakota State law includes a provision for open enrollment for all students in the State. District and SDDOE staff informed the SASA team that, as a result, school choice under NCLB is rarely, if ever requested. Although parents are aware of the choice option, SDDOE must ensure that they are also advised that if they elect the choice option under NCLB, the cost of transportation is the school's responsibility, not the parents', as is the case with State-mandated open enrollment.

Response:

DOE believes this requirement has already been met. If there are no options for choice within the district, districts are required to remind parents of the open enrollment option available in South Dakota that allows for open enrollment to another district. There are no requirements for transportation costs to be covered by either of the districts involved.

For those few districts where choice options are available within the district, parents are notified of choice under school improvement requirements and that the district will pay for, or provide, transportation if the parent chooses this option. DOE staff monitor this by requesting schools to submit their parent letters to the department. School Improvement schools have been following this requirement.

Timeline:

Continued monitoring each fall

2.7 – The SEA fulfills the statutory requirements for the provision of supplemental educational services (SES).

Finding – Staff members at *the school in the district* expressed dissatisfaction with the services provided by one of SDDOE’s supplemental services providers. SDDOE staff informed the SASA team that they were aware of the issues. However, the SDDOE currently does not have a process in place to review performance of providers and remove them from the State’s approved list.

Citation: 20 U.S.C. 6316 Section 1116(b)(4)(D) requires that the SEA develop, implement and publicly report on standards and techniques for monitoring the quality and effectiveness of the services offered by approved providers under this subsection, and for withdrawing approval from providers that fail, for 2 consecutive years, to contribute to increasing the academic proficiency of students served under this subsection.

Further action required: The SDDOE must amend its SEA application/request for proposals for SES providers and its administrative procedures to include provisions for monitoring the progress of its service providers and the process for removal of a provider from the State-approved list, if necessary.

Response

The South Dakota Department of Education will monitor the state approved supplemental educational service providers based upon responsibilities of the approved providers as stated in the SES application, the assurances signed by the provider, and the district reporting process. A timeline is provided for implementing and disseminating the removal process information to all stakeholders. See Attachment A for further details.

Timeline

- ♦ May 2004 - DOE staff will research the monitoring process and removal policy
- ♦ June 2004 - Committee will evaluate SES applications and provide input into the monitoring process and removal policy
 - Draft of the monitoring process developed
 - Internal review of the monitoring process and removal policy
- ♦ July 2004 - Committee of Practitioners review of the monitoring process and removal policy
 - DOE final decision on the monitoring process and removal policy
- ♦ Aug 1, 2004 - Dissemination of monitoring process and removal policy to providers
- ♦ Aug 16, 2004 - Train districts in monitoring SES providers (roles and responsibilities for monitoring). Provide districts with SES toolkit.

2.8 – The SEA ensures that LEAs and schools develop schoolwide programs that use the flexibility provided to them by law to improve the academic achievement of all students in the school.

Recommendation – In South Dakota, schoolwide program schools do not consolidate funds into a single schoolwide account, as encouraged under NCLB. The SDDOE informed the SASA team that since the schoolwide program is implemented in a way that

benefits all students, consolidation of funds is not needed. The SDDOE is encouraged to review its policies and modify or eliminate barriers to consolidation of funds so schools can maximize resources in schoolwide programs.

Response:

The DOE has no policies or barriers that prohibit schools from consolidating funds under their schoolwide program. Each year at the Schoolwide Conference, schools are made aware of the option and encouraged to do so. However, schools have not chosen to consolidated funds in their schoolwide program based on accounting requirements.

Timeline:

Yearly at the Schoolwide Conference in the fall

2.9 – The SEA ensures that LEAs and schools develop and maintain targeted assistance programs that meet all required components.

Recommendation: Reading Recovery is offered in some targeted assistance schools, and the Reading Recovery assessment is used to identify eligible students. The SEA should monitor LEAs to ensure that schools are using multiple measures to identify eligible children in targeted assistance schools (TAS) to ensure that that a broad assessment of students' need is made. The SDDOE should also examine the use of Title I paid staff to ensure reduction of pullout services. This will ensure that students do not miss significant time from classes that provide the core curriculum.

Response:

Schools describe their Title I Targeted Assistance program in the LEA Consolidated Application. Question #1 of this section asks schools to describe how teachers identify eligible Title I students most in need of Title I services. If Reading Recovery is listed as one of the strategies used in the program, DOE staff will monitor the response to the first question to assure that Reading Recovery students are also identified using multiple measures.

Schools are encouraged to provide Title I pull out services only during times when students will not miss core content instruction. SD DOE will remind districts of these two requirements and offer technical assistance as needed.

Timeline

- 2004-05 LEA Consolidated Application reviews – July – Oct. 2004
- Summer 2004 Title I Update
- Fall Title I Update

Area: Fiduciary

3.5 - The SEA ensures that LEAs provide Title I services to eligible children attending non-public schools.

Finding: The Federal Programs director in *the district* informed the SASA team that the Title I program for eligible private school children in the LEA was planned, designed and implemented by teachers in the employ of the private school. *District* officials provide the private school with instructional materials and supplies equal to the amount generated by children from low-income families. *District* officials also provide the private school with resources for staff development.

Citation: U.S.C. 6320 Section 1120(d)(2) requires the provider of Title I services to eligible private school children to be an employee of the LEA or an employee of a contractor hired by the LEA. Simply providing the private school with instructional materials and supplies is not an option available to the LEA because it is neither a proper Title I program implemented by the LEA nor does it meet the equitability requirement of Section 1120.

Further action required: SDDOE must ensure that *the district* and all its LEAs, after consultation with appropriate private school officials, design a Title I program that meets the needs of the private school participants. LEAs may not delegate this responsibility to the private schools or their officials. In addition, LEAs, in consultation with private school officials, must determine what challenging content and student achievement standards will apply and how the LEA will annually assess the progress of the Title I program toward meeting the agreed-upon standards.

SDDOE should make its LEAs aware that Title I funds used for professional development activities for private school teachers of Title I participants must be used to help these teachers teach Title I students better. It is not allowable to use these funds to upgrade the instructional program in the regular classroom of the private school. (Section 200.66 of the Title I regulations.)

SEA Response:

The SEA concurs with the findings of the Federal Monitoring review team conducted on March 22-25, 2004. Although this finding indicates a problem with the district, it does not reflect the overall condition of the programs administered by LEAs in South Dakota. For the most part LEAs throughout South Dakota are adequately trained to ensure Title I services are provided to non-public schools.

The SEA acknowledges that the provider of Title I services to eligible private school children to be an employee of the LEA or an employee of a contractor hired by the LEA. The SEA will further investigate the situation at the said district and issue a state recommendation to the district in accord with established procedures for on-site and desk audit reviews of federal programs under NCLB. The SEA will assure that this compliance issue is resolved and will provide information and technical assistance to all districts concerning this issue. SEA staff will continue to monitor the services to private school children through the

consolidated on-site review process. The SEA will implement such actions beginning with school year 2004-2005 assuring this finding will not occur again.

Timeline

The SEA will issue follow up of this finding to the LEAs by the Fall of 2004 with technical assistance to be provided on-going throughout the school year 2004-2005.

Finding: Administrators and a teacher in *the district* informed the SASA team that for the past eight years the only instructional program offered to eligible private school students by *the district* is Reading Recovery. These individuals also informed the SASA team that minimal consultation with appropriate private school officials occurred, “little discussion is required, as we’re doing what we’ve done before,” and “they know that this is the program we offer.”

Citation: Section 200.63 of the Title I regulations requires an LEA to consult during the design and development of the Title I program for eligible private school students. A required topic of consultation is a determination of how the needs of the eligible private school children will be identified. A unilateral offer of services by an LEA with no opportunity for discussion is not adequate consultation. The needs of the private school participants determine the Title I program.

Further action required: SDDOE must ensure that *the district* meets the extensive consultation requirements of the Title I statute and regulations, that the consultation includes meetings of the LEA and private school officials, and that consultation must occur before the LEA makes any decision that affects the opportunities of eligible private school children to participate. These meetings must continue throughout the implementation and assessment of Title I services.

SEA Response

The SEA concurs with the findings of the Federal Monitoring review team conducted on March 22-25, 2004. Although this finding indicates a problem specifically with the said district, it does not reflect the overall administration of the programs in South Dakota regarding meeting the consultation regulatory requirements under Title I. The SEA acknowledges the importance of assuring LEAs consult with private entities within their district boundaries to assure they offer all possible opportunities in providing the most effective programs for the children they serve.

The SEA conducts annual training and periodic on-site monitoring of the LEAs to assure compliance of this requirement. However, the recommendation put forth by the USDOE review team will be seriously considered. The SEA will make efforts to strengthen training and support activities currently performed by the State. The SEA will further investigate the situation at the said district and issue a state recommendation to the district in accord with established procedures for on-site and desk audit reviews of federal programs under NCLB. The SEA will assure that this compliance issue is resolved and will provide information and technical assistance to all districts concerning this issue.

SEA staff will continue to monitor the services to private school children through the consolidated on-site review process. The SEA will implement such actions beginning with school year 2004-2005 assuring this finding will not occur again.

Timeline

The SEA will issue follow up of this finding to the LEAs by the Fall of 2004 with technical assistance to be provided on-going throughout the school year 2004-2005.

3.10 - The SEA conducts monitoring of its subgrantees sufficient to ensure compliance with Title I program requirements.

Recommendation: The SDDOE should supplement its five-year onsite monitoring cycle with some mechanism that will enable it to identify emerging or potential compliance issues in intervening years. Use of self-evaluations or expanded annual plan requirements could enable SDDOE to collect additional implementation data from LEAs during ‘off cycle’ years.

Response

The SEA will take into consideration the recommendations of the USDOE review team. The SEA has the authority under the existing on-site monitoring cycle process to invoke selected reviews as a result of emerging or potential compliance issues in alternate years. The SEA will utilize its authority if deemed necessary to address such issues. DOE may also consider the use of self-evaluations as a tool to monitor districts during the intermittent years.

Timeline

Fall of 2004

3.11 - The LEA complies with the provision for submitting an annual plan to the SEA.

Recommendation: When reviewing individual school budgets and justifications as part of the LEA application process, SEA administrative staff should compare proposed school budgets against their needs assessments and the goals set forth in the schoolwide plans to ensure that budgets support schools’ identified needs. It is particularly important that budgets for schools identified as in need of improvement support school goals and address areas where the schools failed to make AYP.

Response

The SEA will take into consideration the recommendations stated above and implement changes in the review process of LEA applications to ensure school budgets reflect proper assignment of resources to coincide with the LEAs needs assessment. The DOE will be implementing an on-line application process for LEA Consolidated Applications for the 2005-06 school year. The planned on-line process will make monitoring if school plans and budgets are incorporated into the LEA application easier.

Timeline
Fall 2004

3.13 - The SEA ensures that Title I funds are used only to supplement or increase non-Federal sources used for the education of participating children and not to supplant funds from non-Federal sources.

Finding: *The district* has established a goal of providing a Reading Recovery program in each of its four elementary schools. In the LEA's non-Title I school the program is paid for with general funds. In the three elementary schools operating Title I TAS programs, the Reading Recovery program is paid for with Title I funds. *The district* is supplanting its allocated Title I funds by using local and State funds to provide the program in the non-Title I school and funding the same program in the Title I schools with Title I funds.

Citation: 20 U.S.C. 6321 Section 1120A(b) states, "A State educational agency or local educational agency shall use Federal funds received under this part only to supplement the funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the education of pupils participating in programs assisted under this part, and not to supplant such funds."

Further action required: SDDOE must ensure that all LEAs in the State use their Federal funds under Part A of Title I only to supplement the funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the education of pupils participating in programs assisted under this part, and not to supplant such funds. SDDOE must require *the district* to fund the Reading Recovery program in all of its elementary schools with general funds.

Response

The SEA does not agree with the finding as stated above regarding supplanting allocated Title I funds. The SEA has determined that under the federal regulations 200.79 Exclusion of supplemental State and local funds from supplement, not supplant and comparability determinations, funds utilized by the LEA under review by the USDOE review team was not supplanting funds. The exclusionary provision of this law is unique and the SEA will be closely monitoring those LEAs that are using supplemental local funding to serve children who are at risk of failing and are instituting programs such as Reading Recovery.

Timeline
School Year 2004-2005

Title I Part B – Even Start
Area: Accountability

1.2 – Use of State Indicators for Making Non-Competitive Continuation Awards

Finding: During discussions with SEA staff, the SASA team learned that the State is not using its indicators of program quality to determine if subgrantees are making sufficient progress in meeting the objectives of the program and to make decisions about non-competitive continuation awards. The Even Start State coordinator requested and was given advice about how to obtain technical assistance to refine the use of indicators in the State.

Citation: 20 U.S.C. 6381g Section 1238(b)(3) requires States to use their indicators of program quality to determine if projects are making sufficient progress and to make decisions about continuation awards.

Further Action Required: The SEA must develop a plan for using the State indicators of program quality to determine if projects are making sufficient progress and to make decisions about non-competitive continuation awards.

Response: To date the SEA has put into place processes to collect all available information about programs.

- Performance Indicators developed.
- Professional Development provided on child assessment.
- Purchased software to store data on participant progress (adult & child) and other information. Revised the software to store/ retrieve specific state data. Professional development provided on using the software effectively. We expect this year to be the first year to get accurate baseline data.
- Developed a program self-assessment process and piloted its use.
- The Even Start Coordinator regularly monitors each program for compliance.
- A quarterly report is required of all programs.
- Contract with VOA Training Center, Sioux Falls to provide professional development, based on need, to local programs. The Even Start Coordinator regularly consults with them to implement the state plan.

The element that is missing is defining what constitutes participant progress. There is no question that if we knew what constituted “lack of progress”, systems are in place to aid program improvement. Therefore the SEA plans to do the following:

1. Find a knowledgeable entity to provide technical assistance to the SEA on how to define sufficient progress.
2. Involve local evaluators to assist in data analysis.
3. Compile information regarding sufficient progress and the program improvement process into a “state guidelines “document. Provide T.A. to programs on sufficient progress and program improvement.
4. Revise the continuing program application and review form to include all available information for funding consideration. This would require that

programs submit an evaluation report that has program improvement recommendations, self-assessment report and plan and their data report on participant progress. These pieces of information along with the anticipated defined measures of progress and site review reports would be used for funding decisions.

Timeline: Corrections in place, March 2005.

1.6 – Other Uses of State Indicators of Program Quality

Finding: During discussions with SEA staff, the ED team learned that the State is not using its indicators of program quality to monitor, evaluate, and improve the Even Start program within the State.

Citation: 20 U.S.C. 6381i Section 1240 requires the State to use the indicators of program quality to monitor, evaluate, and improve Even Start programs within the State.

Further Action Required: The State must develop a plan for using the indicators of program quality to monitor, evaluate, and improve Even Start programs within the State. The State may use some of the funds it reserves under Section 1233(a) for this purpose.

Response

1. Compile information regarding sufficient progress and the program improvement process into a “state guidelines” document. Provide T.A. to programs on sufficient progress and program improvement.
2. Revise quarterly reports to include software data reports on individual participant progress.
3. Revise the continuing program application and review form to include all available information for funding consideration. This would require that programs submit an evaluation report that has program improvement recommendations, self-assessment report and plan and their data report on participant progress. These pieces of information along with the anticipated defined measures of progress and site review reports would be used for funding decisions.
4. Revise site review process and form.
5. *Program Improvement* process developed, included in “state guidelines” document.

Timeline: March 2005

1.8 – Independent Local Evaluation

Finding: The local evaluation reports reviewed by the ED team did not include information that would make the evaluation useful for program improvement purposes. Neither report included data on participant outcomes, and one of the reports did not include any recommendations for program improvement.

Citation: 20 U.S.C. 6381d Section 1235(15) requires SEAs to ensure that projects provide for an independent local evaluation of the Even Start program that is used for program improvement.

Further Action Required: The SEA must provide ED with a plan for ensuring that local evaluation reports include data that can be used for improvement purposes and recommendations from the evaluator suggesting improvements as needed.

Response:

Meet with local evaluators to discuss requirements for meaningful reports. Include data analysis and useful recommendations.

Timeline: November 2004

Area: Instructional support

2.5 – High-Quality Intensive Instructional Programs

Finding: The Even Start project in Pierre did not include early childhood educational services that were of high quality or of sufficient intensity, and the program was therefore unlikely to result in preparing children for success in school. Project staff were under the mistaken impression that children could only participate in early childhood services at the same time their parents were participating in adult education. As a result, most children participated in early childhood services only a few hours a week and many of the services were not educational.

Citation: 20 U.S.C. 6381d Section 1235(4) requires each Even Start program to include high-quality, intensive instructional programs that support the educational growth of children to prepare them for success in the regular school program.

Further Action Required: The SEA must develop a plan to assist the Pierre Even Start project in providing intensive high-quality early childhood education services to all the children in the project.

Response:

1. The Pierre program has submitted a competitive grant that includes additional funds and measures to address this issue. This grant is expected to be funded. Follow-up will occur to see that services correspond to program improvement need.
2. Professional Development will occur using the *Meaningful Changes in Program Design Modules*.

Timeline: July 1, 2004 and ongoing until November, 2004.

2.6 – Qualified Staff

Finding: Three of the staff in the Rapid City Even Start project hired since January 8, 2002, whose salaries are paid with Even Start funds, did not meet the statutory requirements for instructional staff. Two of the instructors did not have an Associate's degree, and one of the staff had a Bachelor's in Art, which is not an area related to early childhood education.

Citation: 20 U.S.C. 6381d Section 1235(5) requires new instructional staff in each Even Start program, whose salaries are paid in whole or in part with Even Start funds, to have, at a minimum, an Associate's degree in an area related to the area in which they are teaching.

Further Action Required: The SEA must immediately assist the Rapid City Even Start program in hiring instructional staff for the early childhood component of the program. The qualified teacher may supervise the other staff that are supporting the instruction.

Response:

1. Continue to work with Higher Education in developing a South Dakota *Family Literacy Certificate*. Continue to offer the availability of this through other sources.
2. All programs will be reminded about this requirement.
3. The Rapid City program has submitted a competitive grant that includes measures to address this issue. They are expected to be funded.

Timeline:

July 1, 2004 and ongoing until November, 2004.

Indicator 2.11 – Special training of project staff.

Recommendation: The Even Start project in Pierre was allowing staff to attend national family literacy conferences, but did not seem to have a system of high-quality professional development in place. Projects should provide intensive, classroom-focused, on-going professional development based on scientific research to improve the quality of educational services in addition to offering opportunities for local staff to attend national conferences.

Response :

1. The Pierre program has submitted a competitive grant that includes additional funds and measures to address this issue. This grant is expected to be funded. Follow-up will occur to see that services correspond to program improvement need.
2. Review/revise their professional development plan, if needed.
3. Professional Development will occur using the *Meaningful Changes in Program Design* Modules.

Timeline: July 1, 2004 and ongoing until November, 2004

Indicators 2.15 and 2.17 – Activities based on scientific research

Recommendation: The Even Start projects in Pierre and Rapid City did not base all core instructional services on scientific research. For example the early childhood component in the Even Start project in Pierre did not include a coherent program of educational services. Staff in the Rapid City project shared the research base for portions of the parenting education program, but this research did not appear to have been published in a peer-reviewed journal. Local projects should use the statutory definition of scientifically based reading research to ensure that instructional activities and services are based on scientific research. The State coordinator should provide training in this area for local project staff.

Response:

Design a small workgroup whose purpose will be to find SBR frameworks and curriculums.

Timeline: March 2005

Indicator 2.19 – Family members are participating in all four core instructional components.

Finding: At the local project in Pierre, some children were not participating in early childhood education. At the Rapid City project, some parents were participating in computer training, but they were not enrolled in adult education or parent literacy training.

Citation: 20 U.S.C. 6381d Section 1235(2) requires screening and preparation of parents and children to enable those parents and children to participate fully in the activities and services provided by the Even Start program. The definition of “family literacy services” in Section 9101(20) requires four instructional components, including parent literacy training that leads to economic self-sufficiency and an age-appropriate education to prepare children to succeed in school.

Further Action Required: The SEA must ensure that all families enrolled in local Even Start projects are enrolled in high-quality and intensive adult education or parent literacy training, early childhood education, interactive literacy activities between parents and their children, and training for parents on how to be the primary teacher for their children and full partners in the education of their children.

Response:

1. All four components need to be equal. Local policies will be strengthened to include this concept.
2. The “state guidelines” will include this language.
3. During the site review, the coordinator will check to see if parents are complying.

Timeline: March, 2005

Indicators 3.4 and 3.6 – Equitable participation of private school children

Finding: Neither local Even Start project visited was aware of the requirement to provide timely and meaningful consultation with private school officials and Even Start services on an equitable basis for eligible school-age private school students and their teachers.

Citation: 20 U.S.C. Section 9501 and 20 U.S.C. 7884 Section 9504 of NCLB require recipients of Federal funds to provide eligible school-age children who are enrolled in private elementary and secondary schools, and their teachers or other educational personnel, educational services and benefits under those programs on an equitable basis. Eligible entities must provide the equitable services after timely and meaningful consultation with the appropriate private school officials.

Further Action Required: The SEA must ensure that all Even Start projects meaningfully consult with private school officials in order to provide Even Start services and benefits to eligible private school students and their teachers or other educational personnel on an equitable basis.

Response:

1. Program application documents will include a “private school consultation “form signed by officials, that they were consulted regarding Even Start services.
2. Review this requirement with local program staff.

Timeline: March, 2005

Appendix A

Process for Removal of Supplemental Service Providers from State Approved List

Response to Federal Monitoring -- SES Providers

The South Dakota Department of Education will rely on the responsibilities of the approved providers and the assurances along with the district reporting process for monitoring the state approved supplemental educational service providers. A timeline is provided for implementing and disseminating the removal process information to all stakeholders.

Timeline

- ♦ May 2004 - DOE staff will research the monitoring process and removal policy

- ♦ June 2004 - Committee will evaluate SES applications and provide input into the monitoring process and removal policy
 - Draft of the monitoring process developed
 - Internal review of the monitoring process and removal policy
- ♦ July 2004 - Committee of Practitioners review of the monitoring process and removal policy
 - DOE final decision on the monitoring process and removal policy
- ♦ Aug 1, 2004 - Dissemination of monitoring process and removal policy to providers
- ♦ Aug 16, 2004 - Train districts in monitoring SES providers (roles and responsibilities for monitoring) Provide districts with SES toolkit

Responsibilities of the Approved Provider (taken from the application)

Entities included on the Approved Supplemental Services Provider list are required to do the following:

- ♦ Ensure that the instruction provided is aligned with South Dakota student academic achievement standards and in the case of a student with disabilities, is consistent with the student's individualized education program (IEP) under section 614(d) of the Individuals with Disabilities Education Act
- ♦ Provide parents of children receiving supplemental educational services and the appropriate school with information on the progress of the children in increasing achievement in a format and, to the extent practicable, in a language that such parents can understand
- ♦ Ensure all individuals who will interact with students are fingerprinted and background checked pursuant to procedures set forth in SDCL 13-10-12
- ♦ Enter into an agreement with the local school district that includes:
 - A statement of specific achievement goals for each student receiving supplemental educational services based upon the specific educational needs of the child
 - A description of how student progress will be measured
 - A timetable for improving achievement that, in the case of a student with disabilities, is consistent with the student's individual education program
 - A description of the research based program to be utilized with specific references
 - A description of the way in which the reading program aligns to scientifically based reading research
 - The amount of instructional time to be provided
 - The location where services will be provided
 - The means of transporting children to the place of instruction if the services will be provided in a location other than the student's school
 - A description of how parents, teacher(s) and the school district will be regularly informed of student progress
 - Provisions for the termination of such agreement

- Provisions for the payment for services to the provider by the school district
- An assurance from the provider that the identity of any student eligible for or receiving, supplemental educational services will not be disclosed without the written permission of the parents of the student
- The qualifications of staff responsible for the delivery of the instructional program

Assurances and Signatures Form (taken from the application)

In submitting this application to be included on the South Dakota Department of Education Approved Supplemental Services Provider List, I certify that:

1. The provider will provide parents of children receiving supplemental education services under Public Law 107-100, Section 1116(e) and the appropriate LEA with information on the progress of the children in increasing achievement in a format and, to the extent practicable, a language that the parents can understand.
2. The provider will respect the confidentiality of students in the program and share information on the student only with appropriate school personnel and parents.
3. The provider will meet all applicable federal, state, and local health, safety, and civil rights laws.
4. The provider will ensure that all instruction and content offered in the supplemental services program offered through Public Law 107-110, Section 1116(e) are secular, neutral, and non-ideological.
5. The provider is financially sound and will be able to provide complete services to the student and the school.
6. The provider will collaborate with the local school to assure alignment to the student's instructional program and assist the students in reaching the state's high academic content standards.
7. The provider has liability insurance.

If requested copies of background checks of all employees/tutors will be made available to school districts.

Monitoring (taken from the application)

The South Dakota Department of Education, in cooperation with the applicable school districts, is required to monitor the quality and effectiveness of the services offered by

providers. Providers that fail, for two years, to contribute in raising the academic proficiency of students to whom they provide services or that fail to meet any other requirements or assurances of participation will be removed from the state-approved list. Failing to operate in accordance with Provider responsibilities will constitute grounds for immediate removal from the state-approved list.

Policy for Removal (DRAFT)

The South Dakota Department of Education will use the following procedure for removal from the state approved provider list.

- ♦ Districts submit reports to the SD Department of Education
- ♦ DOE reviews the district reports
- ♦ Potential violations cited
- ♦ DOE will further investigate alleged violations
- ♦ Committee will be convened to review the findings
- ♦ DOE makes final decision for removal based on findings and committee recommendations
- ♦ Communication of the decision and timeline for appeal process provided to the provider
- ♦ Appeal process
- ♦ Removal from the state approved provider list

Provider may reapply during the application window